



## STAFF REPORT

Planning Commission Meeting: April 14, 2025

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| <b>Application:</b>   | <b><u>SU25-0001</u>: Special use permit for motor vehicle rentals for Avis Car Rental</b> |
| <b>Location:</b>      | 1529 E. Spruce Street   |
| <b>Owner:</b>         | Joan Francis, Francis Investment Group LLC  |
| <b>Applicant:</b>     | Chris Steves, Avis Budget Rental  |
| <b>Staff Contact:</b> | Andrea Morgan, AICP; Planner II   |

|                         |                               |                               |                               |
|-------------------------|-------------------------------|-------------------------------|-------------------------------|
| <b>Site Area:</b>       | <u>0.70± acres</u>            | <b>Plat:</b>                  | <u>Scottdale</u>              |
| <b>Existing Zoning:</b> | <u>M-1 (Light Industrial)</u> | <b>Existing/Proposed Use:</b> | <u>Motor Vehicles, Rental</u> |

|              | <b>Plan Olathe<br/>Land Use Category</b> | <b>Existing Use</b> | <b>Current Zoning</b>         |
|--------------|--|---------------------|-------------------------------|
| <b>Site</b>  | <b>Commercial Corridor</b>               | <b>Flex Space</b>   | <b>M-1 (Light Industrial)</b> |
| <b>North</b> | Commercial Corridor                      | Flex Space          | M-1 (Light Industrial)        |
| <b>South</b> | Commercial Corridor                      | Hotel/Motel         | C-3 (Regional Center)         |
| <b>East</b>  | Commercial Corridor                      | Flex Space          | M-1 (Light Industrial)        |
| <b>West</b>  | Commercial Corridor                      | Mini-Warehouse      | M-1 (Light Industrial)        |

### 1. Introduction

This is a request for approval of a special use permit (SUP) to allow for motor vehicle rentals at 1529 E. Spruce Street for Avis Car Rental. Avis is proposing to occupy approximately 3,500 square feet of tenant space located on the northern portion of the existing flex building. Two (2) remaining tenant spaces will remain unoccupied. Avis is relocating from their current location on E. Santa Fe Street due to planned improvements associated with the I-35 and Santa Fe public improvement project.

The site is currently developed with an existing 6,250 square foot multi-tenant building. Avis intends to use the front of the existing building as an office and rental counter while the existing garage bays will be used for car storage and cleaning. All fueling and maintenance will be performed offsite. Avis' proposed hours of operation will be Monday – Friday from 7:30 am to 6:00 pm and Saturday and Sunday from 9:00 am to 1:00 pm. The subject property is currently zoned M-1 (Light Industrial) District, which requires approval of a SUP for motor vehicle sales, all types, per Unified Development Ordinance (UDO) 18.20.500.

## 2. History

Zoning was established on the property in 1970, when conventional zoning districts were first established in the City, and the property was zoned to the M-1 District (Ord. 346-C). The existing warehouse/office building was constructed in 1975 (PR-22-75) and has been used for various warehouse/office (Flex Space) uses until 2024. The property has been vacant for approximately nine (9) months.

## 3. Existing Conditions

The site is currently developed and consists of a 6,250 square foot building and parking lot. Existing landscaping is located along the building foundations, rear east and south property lines consisting of shrubs, and evergreen and deciduous trees.



*Aerial view of the subject property highlighted in green.*



*View of subject property looking southwest.*

#### 4. Zoning Standards

- a. **Land Use** – The existing site is zoned to the M-1 (Light Industrial) District. Per UDO 18.20.500, a SUP is required for motor vehicle rentals within this district. The requested use is generally compatible with uses permitted in the M-1 District and auto-oriented uses located within the general vicinity.
- b. **Building Height** – Building heights within the M-1 District are limited to a maximum of 55 feet. The existing building is approximately 18 feet tall and therefore complies with this height requirement. No changes to the existing building are proposed with this application
- c. **Setbacks** – The existing structure complies with the building and parking/paving setbacks of the M-1 District.

#### 5. Development Standards

- a. **Access/Streets** – The site has one (1) access point onto E. Spruce Street. No changes are proposed with this application.
- b. **Parking** – Motor vehicle rentals require at least one (1) stall per 500 square feet of building area, resulting in a minimum of seven (7) parking spaces. The site has seven (7) existing surface parking spaces but has capacity for additional spaces. The seven (7) striped spaces will be utilized by Avis, five (5) for customers and two (2) for employees. Rental vehicles will be stored inside the existing garage bays.

Flex space requires one (1) stall per 800 square feet of building area; an additional four (4) stalls are required for the additional tenant spaces. The property owner has agreed to stripe additional parking stalls for the additional tenant spaces.

- c. **Landscaping** – The site is currently landscaped with a mixture of shrubs, and large evergreen and deciduous trees throughout the site.
- d. **Stormwater/Detention** – The applicant is not proposing changes to impervious surface area on site; therefore, no new stormwater improvements are required.
- e. **Public Utilities** – The site is located within the City of Olathe Water and Sanitary Sewer service area. No changes to utilities are proposed with this application.

## **6. Building Design Standards**

Existing building materials consist primarily of brick on the street-facing facade, metal panels internal to the site, and a mansard-style roof. Clear glass windows are located along the north, east, and west facades. There are no changes proposed to the structure at this time.

## **7. Public Notification and Neighborhood Meeting**

The applicant mailed the required public notification letters to surrounding property owners within 200 feet and posted a sign in accordance with UDO requirements. A neighborhood meeting was not required with this application as no residential development is located within 500 feet; however, a neighborhood notice was provided to property owners within 500 feet of the project site, as required by UDO 18.40.030. Staff has received public correspondence from one (1) individual regarding this proposal, which is included with the packet. All concerns have been addressed and additional stipulations regarding parking locations have been included.

## **8. Time Limit**

SUPs are required for uses that the City has determined are higher-intensity land uses that require greater consideration, requirements, and review to ensure compatibility with surrounding uses and the goals and visions of the PlanOlathe Comprehensive Plan. For this reason, SUPs are different than by-right permitted land uses and require a time limit.

Unless otherwise specified, SUP permits are approved for a five (5) year period (UDO 18.40.100.F.4), and for this application, the applicants are requesting an approval period of five (5) years.

For this application, staff also recommends the initial permit be valid for a five (5) year term, which is consistent with other SUPs for similar uses in Olathe. The applicant maintained a five (5) year term special use permit at the previous location on Santa Fe Street.

## **9. UDO Special Use Criteria**

The Future Land Use Map of the PlanOlathe Comprehensive Plan identifies the subject property as Commercial Corridor. The site is currently zoned M-1 (Light Industrial) surrounded by industrial, and other auto-oriented commercial uses. A SUP is required for motor vehicle rentals in the M-1 District to ensure compatibility with the surrounding area. The proposed special use meets the following policy elements of the Comprehensive Plan:



**LUCC-1.1: Consistency with the Comprehensive Plan.** Land use proposals should be consistent with the vision of the Comprehensive Plan, as well as applicable local ordinances and resolutions.

**ES-1.4: Support for Local Business.** Support the retention, expansion and entrepreneurial activities of existing local businesses and maintain a positive business climate. Promote local shopping and local lodging as a means to support the community's economy.

**ES-3.1: Reinvestment in Existing Commercial and Industrial Areas.** Cooperate with the private sector to foster revitalization of existing commercial and industrial areas in order to create greater vitality.

Staff reviewed the application against UDO criteria for considering all special use applications, as listed in UDO Section 18.40.100.F. Staff finds the request meets the criteria as detailed below.

***A. The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.***

The development meets several policies of PlanOlathe including Economic Sustainability goals of providing support for local businesses and reinvestment in existing commercial and industrial areas. Approval of the SUP will allow for an established business to operate within the community and for reinvestment to an existing business area.

***B. The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).***

The use is compatible with the surrounding area which is zoned for industrial and commercial uses and consists of businesses such as car sales, mini-warehousing, and flex office space. The existing building is one (1) story tall and is primarily constructed of brick, glass, metal panels with a shingled mansard roof. Other buildings in the area range from one (1) story to two (2) stories in height and generally utilize a mix of masonry, stucco, and metal. Most of the surrounding buildings were built in the late 1970's or early 1980's and all have similar architectural styles.

***C. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning districts and uses.***

The area surrounding this site is either zoned for industrial and commercial uses and consists of uses such as car sales, mini-warehouse, and flex office space. Approval of the Special Use Permit for motor vehicle rental will be in harmony with surrounding uses, several of which are auto-oriented or a higher intensity.

***D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.***

The property is suitable for occupancy by a variety of M-1 District uses including motor vehicle rental with a Special Use Permit.

***E. The length of time the property has remained vacant as zoned.***

The building on the subject property was constructed in 1975, and the site was zoned in 1970. The existing building has been unoccupied for nine (9) months.

***F. The extent to which approval of the application would detrimentally affect nearby properties.***

This use will not have a negative impact on noise, traffic, lighting, or other characteristics. The property is surrounded by a mix of industrial and commercial uses to the north, south, east and west.

***G. The extent to which development under the proposed district would substantially harm the value of nearby properties.***

Staff has not received any information indicating that the development as proposed will have a detrimental impact on the value of surrounding properties, which are zoned for industrial and commercial uses.

***H. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.***

The use will not adversely affect the adjacent road network. The site is accessible from one drive off E. Spruce Street and no changes to access are proposed.

***I. The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.***

Staff is not aware of any potential for unlawful levels of air, water, or noise pollution with the proposed use. There is no increase in impervious surface. The use is subject to all local, state, and federal environmental guidelines.

***J. The economic impact of the proposed use on the community.***

The use follows the economic sustainability goals of the Comprehensive Plan by encouraging private investment in the community and reinvestment in an existing property.

***K. The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.***

There is no gain or detriment to the public health, safety, or welfare if the application were denied. If the special use permit were denied, the proposed Motor Vehicle Rental business could not occupy the existing building.

**10. Staff Recommendation**

- A. Staff recommends approval of SU25-0001, Avis Car Rental, for the following reasons:

1. The proposal conforms to the Goals, Objectives and Policies of the Comprehensive Plan
  2. The proposal complies with the Unified Development Ordinance (UDO) criteria for considering special use permit requests.
- B. Staff recommends Approval of the special use permit, SU25-0001, with the following stipulations:
1. The special use permit to allow motor vehicle rentals is valid for a period of five (5) years following the date of the approved Resolution.
  2. One (1) ADA parking space will be designated prior to the issuance of a Certificate of Occupancy (C/O) for Avis Car Rental.
  3. Additional parking spaces will be striped to accommodate additional tenant space prior to the issuance of a Certificate of Occupancy (C/O) for Avis Car Rental in accordance with UDO 18.30.160.
  4. Vehicles for rental, inventory or display must be located inside the building or in designated, striped parking stalls and must not be located on the public street, in driveways or lawn areas.
  5. Wind signs, including pennants, streamers, balloons, whirligigs, feather flag banners or similar devices, are not permitted.